

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GERALD GURULE,

Plaintiff,

v.

No. CIV-08-1170 JCH/LAM

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

**ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR ATTORNEY'S FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

THIS MATTER is before the Court on Plaintiff's *Motion for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412* (Doc. 27) (hereinafter, "*Motion*") in the amount of \$7,479.54 for attorney's fees. In his response (Doc. 28), the Commissioner does not object to Plaintiff's request for attorney's fees in this amount. The Court having considered the submissions of counsel, as well as relevant law, and being otherwise fully advised **FINDS** that Plaintiff's motion is well-taken and will be **GRANTED**.

WHEREFORE, IT IS HEREBY ORDERED that Plaintiff's *Motion for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412* (Doc. 27) is **GRANTED** and Plaintiff Gerald Gurule is authorized to receive **\$7,479.54** for payment to his attorney for services before this Court, as permitted by the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and in accordance with *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007).¹

¹ If Plaintiff's attorney is also awarded fees under 42 U.S.C. § 406(b) for work in this case, the smaller of the two awards must be returned to Plaintiff. See *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002).

IT IS SO ORDERED.



THE HONORABLE LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE